

EXHIBIT J

Subject: RE: EXTERNAL-Re: MDL 2804 -- Branded Exhibits

Date: Friday, October 4, 2019 at 8:14:16 AM Mountain Daylight Time

From: Ackerman, David

To: Alex Harris

CC: David Cohen, 2804 Discovery, MDL, xALLDEFENDANTS-MDL2804-Service, Kurt Govertsen, Baden, John, McNeil, Johnathan

Alex,

We disagree but given current deadlines and both parties narrowing their lists, further discussion will not be productive at this juncture.

After investigating your concerns, we determined that documents sent to the vendor had not been loaded due to a technical error. Those documents either already have been or will be uploaded for Defendants.

We do not have plans to serve additional OCR before Saturday at 5. Please contact me with any additional questions.

David

David I. Ackerman | Attorney at Law | Motley Rice LLC
401 9th St. NW, Suite 1001 | Washington, DC 20004 | dackerman@motleyrice.com
o. 202.849.4962 x5962 | c. 202.997.1217 | f. 202.386.9622

From: Alex Harris <alex.harris@bartlitbeck.com>

Sent: Thursday, October 3, 2019 2:19 PM

To: Ackerman, David <dackerman@motleyrice.com>

Cc: David Cohen <David@SpecialMaster.Law>; 2804 Discovery, MDL <mdl2804discovery@motleyrice.com>; xALLDEFENDANTS-MDL2804-Service <xALLDEFENDANTS-MDL2804-Service@arnoldporter.com>; Kurt Govertsen <kurt.govertsen@bartlitbeck.com>; Baden, John <jbaden@motleyrice.com>; McNeil, Johnathan <jmcneil@motleyrice.com>

Subject: Re: EXTERNAL-Re: MDL 2804 -- Branded Exhibits

David,

That is not correct. Walgreens has processed branded exhibits for all defendants and all but one of the remaining Track One defendants produced OCR'd exhibits on the September 23 deadline. If you disagree, please identify specific problems as Defendants have done for Plaintiffs.

Defendants will continue to comply with deadlines and the parties' stipulation. For now, please confirm **(1)** that Plaintiffs are not planning to serve any OCR'd trial exhibits before Saturday and **(2)** that Plaintiffs will not be serving the missing 13,000 branded exhibits from their 10/1 list.

BartlitBeck_{LLP}

Alex J. Harris | p: 303.592.3197 | c: 503.347.1652 | Alex.Harris@BartlitBeck.com | 1801 Wewatta Street, Suite 1200, Denver, CO 80202

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

From: "Ackerman, David" <dackerman@motleyrice.com>
Date: Thursday, October 3, 2019 at 12:09 PM
To: Alex Harris <alex.harris@bartlitbeck.com>
Cc: David Cohen <David@SpecialMaster.Law>, "2804 Discovery, MDL" <mdl2804discovery@motleyrice.com>, xALLDEFENDANTS-MDL2804-Service <xALLDEFENDANTS-MDL2804-Service@arnoldporter.com>, Kurt Govertsen <kurt.govertsen@bartlitbeck.com>, "Baden, John" <jbaden@motleyrice.com>, "McNeil, Johnathan" <jmcneil@motleyrice.com>
Subject: RE: EXTERNAL-Re: MDL 2804 -- Branded Exhibits

Alex – no Defendant has provided OCR for all of their exhibits. In fact, the format provided has varied from Defendant to Defendant.

We propose to send you OCR'd copies of the final 4,000 exhibits from our exhibit list once they are identified on Saturday. Will Defendants commit to do the same regarding their exhibits?

David I. Ackerman | Attorney at Law | Motley Rice LLC
401 9th St. NW, Suite 1001 | Washington, DC 20004 | dackerman@motleyrice.com
o. 202.849.4962 x5962 | c. 202.997.1217 | f. 202.386.9622

From: Alex Harris <alex.harris@bartlitbeck.com>
Sent: Thursday, October 3, 2019 10:03 AM
To: Ackerman, David <dackerman@motleyrice.com>
Cc: David Cohen <David@SpecialMaster.Law>; 2804 Discovery, MDL <mdl2804discovery@motleyrice.com>; xALLDEFENDANTS-MDL2804-Service <xALLDEFENDANTS-MDL2804-Service@arnoldporter.com>; Kurt Govertsen <kurt.govertsen@bartlitbeck.com>; Baden, John <jbaden@motleyrice.com>; McNeil, Johnathan <jmcneil@motleyrice.com>
Subject: Re: EXTERNAL-Re: MDL 2804 -- Branded Exhibits

Thanks, David. We have seen two new files from plaintiffs, uploaded late last night, that contained another 2,299 PDFs that have not been OCR'd. We still appear to be missing roughly 13,000 branded exhibits.

BartlitBeck_{LLP}

Alex J. Harris | p: 303.592.3197 | c: 503.347.1652 | Alex.Harris@BartlitBeck.com | 1801 Wewatta Street, Suite 1200, Denver, CO 80202

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

From: "Ackerman, David" <dackerman@motleyrice.com>
Date: Thursday, October 3, 2019 at 7:32 AM
To: Alex Harris <alex.harris@bartlitbeck.com>
Cc: David Cohen <David@SpecialMaster.Law>, "2804 Discovery, MDL" <mdl2804discovery@motleyrice.com>, xALLDEFENDANTS-MDL2804-Service <xALLDEFENDANTS-MDL2804-Service@arnoldporter.com>, Kurt Govertsen <kurt.govertsen@bartlitbeck.com>, "Baden, John" <jbaden@motleyrice.com>, "McNeil, Johnathan" <jmcneil@motleyrice.com>

Subject: RE: EXTERNAL-Re: MDL 2804 -- Branded Exhibits

Alex,

I believe that an updated download is being prepared, but I am checking on this and hope to have a response to you shortly.

David

David I. Ackerman | Attorney at Law | Motley Rice LLC
401 9th St. NW, Suite 1001 | Washington, DC 20004 | dackerman@motleyrice.com
o. 202.849.4962 x5962 | c. 202.997.1217 | f. 202.386.9622

From: Alex Harris <alex.harris@bartlitbeck.com>
Sent: Wednesday, October 2, 2019 11:02 PM
To: Ackerman, David <dackerman@motleyrice.com>
Cc: David Cohen <David@SpecialMaster.Law>; 2804 Discovery, MDL <mdl2804discovery@motleyrice.com>; xALLDEFENDANTS-MDL2804-Service <xALLDEFENDANTS-MDL2804-Service@arnoldporter.com>; Kurt Govertsen <kurt.govertsen@bartlitbeck.com>; Baden, John <jbaden@motleyrice.com>; McNeil, Johnathan <jmcneil@motleyrice.com>
Subject: Re: EXTERNAL-Re: MDL 2804 -- Branded Exhibits

David,

It is now late in the day and we have heard nothing except that your IT team is looking into these problems with Plaintiffs' branded exhibits. Please provide an update.

BartlitBeck LLP

Alex J. Harris | p: 303.592.3197 | c: 503.347.1652 | Alex.Harris@BartlitBeck.com | 1801 Wewatta Street, Suite 1200, Denver, CO 80202

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

From: Kurt Govertsen <kurt.govertsen@bartlitbeck.com>
Date: Wednesday, October 2, 2019 at 1:13 PM
To: "Ackerman, David" <dackerman@motleyrice.com>, Alex Harris <alex.harris@bartlitbeck.com>
Cc: "McNeil, Johnathan" <jmcneil@motleyrice.com>, "Baden, John" <jbaden@motleyrice.com>
Subject: RE: EXTERNAL-Re: MDL 2804 -- Branded Exhibits

David and Johnathan, good afternoon.

The principal issues we've identified to date are:

1. Leaving aside the CU and SU prefixed exhibits and only looking at the P exhibits, a comparison of the exhibit list provided yesterday afternoon (PLTF Exhibit List OCT 1.xlsx) to the filenames of the PDFs that were uploaded to Ricoh yesterday in the P-000001.zip multi-part ZIP container (after dropping the _00001 suffixes) indicates that 15,255 P exhibits on your list were not provided as PDFs. Please see the attached list.

2. None of P-prefix PDFs provided to date have a text layer with the limited exception that the text contained within the yellow trial exhibit stickers is searchable. Certain exhibits also do not contain a yellow exhibit sticker on the first page and those that we've reviewed have no text layer at all.

BartlitBeck_{LLP}

Kurt Govertsen | Associate Director, Litigation Support | p: 312.494.4121 | m: 312.206.5702 |
Kurt.Govertsen@BartlitBeck.com | Courthouse Place, 54 West Hubbard Street, Chicago, IL 60654

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

From: Ackerman, David <dackerman@motleyrice.com>
Sent: Wednesday, October 2, 2019 2:04 PM
To: Alex Harris <alex.harris@bartlitbeck.com>
Cc: Kurt Govertsen <kurt.govertsen@bartlitbeck.com>; McNeil, Johnathan <jmcneil@motleyrice.com>;
Baden, John <jbaden@motleyrice.com>
Subject: RE: EXTERNAL-Re: MDL 2804 -- Branded Exhibits

Thanks Alex. I've copied Johnathan McNeil.

David I. Ackerman | Attorney at Law | Motley Rice LLC
401 9th St. NW, Suite 1001 | Washington, DC 20004 | dackerman@motleyrice.com
o. 202.849.4962 x5962 | c. 202.997.1217 | f. 202.386.9622

From: Alex Harris <alex.harris@bartlitbeck.com>
Sent: Wednesday, October 2, 2019 3:03 PM
To: Ackerman, David <dackerman@motleyrice.com>
Cc: Kurt Govertsen <kurt.govertsen@bartlitbeck.com>
Subject: Re: EXTERNAL-Re: MDL 2804 -- Branded Exhibits

David,

I have copied Kurt Govertsen, who can speak to your IT folks about the issues we are seeing with plaintiffs' branded exhibits. Thanks.

BartlitBeck_{LLP}

Alex J. Harris | p: 303.592.3197 | c: 503.347.1652 | Alex.Harris@BartlitBeck.com | 1801 Wewatta Street, Suite 1200, Denver, CO 80202

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

From: Alex Harris <alex.harris@bartlitbeck.com>
Date: Wednesday, October 2, 2019 at 1:00 PM
To: "Ackerman, David" <dackerman@motleyrice.com>
Cc: David Cohen <David@SpecialMaster.Law>, "2804 Discovery, MDL" <mdl2804discovery@motleyrice.com>, xALLDEFENDANTS-MDL2804-Service <xALLDEFENDANTS-MDL2804-Service@arnoldporter.com>
Subject: Re: EXTERNAL-Re: MDL 2804 -- Branded Exhibits

Understood. I will separately send you contact information for our IT person. Thanks.

BartlitBeck^{LLP}

Alex J. Harris | p: 303.592.3197 | c: 503.347.1652 | Alex.Harris@BartlitBeck.com | 1801 Wewatta Street, Suite 1200, Denver, CO 80202

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

From: "Ackerman, David" <dackerman@motleyrice.com>
Date: Wednesday, October 2, 2019 at 12:56 PM
To: Alex Harris <alex.harris@bartlitbeck.com>
Cc: David Cohen <David@SpecialMaster.Law>, "2804 Discovery, MDL" <mdl2804discovery@motleyrice.com>, xALLDEFENDANTS-MDL2804-Service <xALLDEFENDANTS-MDL2804-Service@arnoldporter.com>
Subject: RE: EXTERNAL-Re: MDL 2804 -- Branded Exhibits

Alex,

Thank you for reaching out. We have our IT personnel and vendor looking into the download because we believe that we produced searchable PDF files. We are also looking into the missing exhibit issue and will likely be posting an additional download later this afternoon. We will comply with Special Master Cohen's deadline concerning reduction of exhibits and witnesses, but have not yet determined the precise exhibits that will be removed.

Might I suggest that you provide contact information for an IT person who can then connect with our IT person? This may be an issue that is best connected via direct communication between the IT professionals.

David

David I. Ackerman | Attorney at Law | Motley Rice LLC
401 9th St. NW, Suite 1001 | Washington, DC 20004 | dackerman@motleyrice.com
o. 202.849.4962 x5962 | c. 202.997.1217 | f. 202.386.9622

From: Alex Harris <alex.harris@bartlitbeck.com>
Sent: Wednesday, October 2, 2019 10:55 AM
To: Ackerman, David <dackerman@motleyrice.com>
Cc: David Cohen <David@SpecialMaster.Law>; 2804 Discovery, MDL <mdl2804discovery@motleyrice.com>; xALLDEFENDANTS-MDL2804-Service@arnoldporter.com
Subject: EXTERNAL-Re: MDL 2804 -- Branded Exhibits

David,

We have finished downloading plaintiffs' branded exhibits and they do not appear to contain any searchable text. Sections D and E of the parties' Trial Exhibit Stipulation (attached) require production of searchable PDFs. Please provide defendants with OCR'd versions of the stickered exhibits as soon as possible.

Comparing the branded exhibits to plaintiffs' most recent list, we also appear to be missing branded PDFs for roughly 15,000 of plaintiffs' exhibits, all of which begin with the "P-" prefix. We assume these are all exhibits plaintiffs plan to cut from their list. Please correct us if that is wrong.

BartlitBeck_{LLP}

Alex J. Harris | p: 303.592.3197 | c: 503.347.1652 | Alex.Harris@BartlitBeck.com | 1801 Wewatta Street, Suite 1200, Denver, CO 80202

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

From: "Ackerman, David" <dackerman@motleyrice.com>
Date: Tuesday, October 1, 2019 at 1:01 PM
To: xALLDEFENDANTS-MDL2804-Service <xALLDEFENDANTS-MDL2804-Service@arnoldporter.com>
Cc: "2804 Discovery, MDL" <mdl2804discovery@motleyrice.com>
Subject: MDL 2804 -- Branded Exhibits

External E-mail

Plaintiffs' branded exhibits have been uploaded to the Ricoh site. The password to access the exhibits is:
6#tc?V

David I. Ackerman | Attorney at Law | Motley Rice LLC
401 9th St. NW, Suite 1001 | Washington, DC 20004 | dackerman@motleyrice.com
o. 202.849.4962 x5962 | c. 202.997.1217 | f. 202.386.9622

Confidential & Privileged

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.

This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.

For more information about Arnold & Porter, click here:
<http://www.arnoldporter.com>

Confidential & Privileged

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.

Confidential & Privileged

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.

Confidential & Privileged

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.

Confidential & Privileged

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.

Confidential & Privileged

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.